

**Proposed Substitute
Bill No. 6335**

LCO No. 5208

**AN ACT PROHIBITING THE SALE AND TRADE OF IVORY AND
RHINOCEROS HORN IN CONNECTICUT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2018*) (a) For the purposes of this
2 section:

3 (1) "Bona fide educational or scientific institution" means an
4 institution that establishes through documentation either of the
5 following: (A) An educational or scientific tax exemption, from the
6 federal Internal Revenue Service or such institution's national or state
7 tax authority; or (B) accreditation as an educational or scientific
8 institution, from a qualified national or state authority for the
9 institution's location;

10 (2) "Ivory" means a tooth or tusk from a species of elephant,
11 hippopotamus, walrus, whale, or narwhal, or a piece thereof, including
12 any product that contains or that is advertised as containing ivory;

13 (3) "Rhinceros horn" means the horn or a piece or derivative
14 thereof, such as powder, of a species of rhinceros, including any
15 product containing or advertised as containing rhinceros horn;

16 (4) "Sale" or "sell" means selling, trading, bartering for monetary or
17 nonmonetary consideration, or giving away in conjunction with a

18 commercial transaction; and

19 (5) "Total value" means either the fair market value or the actual
20 price paid for ivory or rhinoceros horn, whichever is greater.

21 (b) Except as provided in subsections (c) and (d) of this section, no
22 person shall purchase, sell, offer for sale or possess with the intent to
23 sell any ivory or rhinoceros horn.

24 (c) The prohibitions in subsection (b) of this section shall not apply
25 to any of the following:

26 (1) Any employee or agent of the federal or state government
27 undertaking a law enforcement activity pursuant to federal or state
28 law or a mandatory duty required by federal law;

29 (2) Any activity expressly authorized by federal law;

30 (3) Ivory that is part of an antique provided:

31 (A) Such ivory was removed from the wild prior to February 26,
32 1976, if such ivory is elephant ivory;

33 (B) Such ivory is a fixed component of a larger manufactured item
34 and is not, in its current form, the primary source of the total value for
35 such item;

36 (C) The total volume of the ivory component is less than twenty per
37 cent;

38 (D) The manufactured item is not made wholly or primarily of
39 ivory;

40 (E) The ivory is not raw, unaltered or minimally changed by
41 carving; and

42 (F) The owner or seller provides historical documentation or a
43 sworn affidavit executed by an expert demonstrating provenance that
44 verifies that the antique is not less than one hundred years old;

45 (4) The noncommercial transfer of ownership of ivory or rhinoceros
46 horn to a legal beneficiary of an estate, trust or other inheritance; or

47 (5) The purchase, sale, offer for sale, or possession with intent to sell
48 of an ivory or rhinoceros horn article by a bona fide educational or
49 scientific institution or a museum.

50 (d) The prohibitions in subsection (b) of this section shall not apply
51 to ivory that is part of a musical instrument that was made prior to
52 February 26, 1976.

53 (e) It shall be presumptive evidence of possession with intent to sell
54 ivory or rhinoceros horn if the ivory or rhinoceros horn is possessed in
55 a retail or wholesale outlet commonly used for the buying or selling of
56 similar items. Such presumption shall not preclude a finding of intent
57 to sell based on any other evidence that may serve to independently
58 establish such intent.

59 (f) Any person who violates any provision of this section or any
60 rule, regulation, or order adopted pursuant to this section shall be
61 guilty of a class B misdemeanor provided: (1) For the first offense,
62 such person shall be fined not less than three thousand dollars or an
63 amount equal to two times the total value of the article involved,
64 whichever is greater, or imprisoned for not more than six months, or
65 both; and (2) for a second or any subsequent violation, such person
66 shall be fined not less than six thousand dollars or an amount equal to
67 three times the total value of the article involved, whichever is greater,
68 or imprisoned not more than one year, or both.

69 (g) Upon conviction or other entry of judgment for a violation of
70 this section, any seized ivory or rhinoceros horn shall be forfeited and,
71 upon forfeiture, either be maintained by the Department of Energy and
72 Environmental Protection for educational or training purposes,
73 donated by the department to a bona fide educational or scientific
74 institution or destroyed.

75 (h) The Commissioner of Energy and Environmental Protection, in

76 consultation with the Attorney General, may adopt regulations, in
77 accordance with chapter 54 of the general statutes, to implement the
78 provisions of this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2018</i>	New section
-----------	---------------------	-------------